

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION STUDENT-
ATHLETE CONCUSSION INJURY
LITIGATION – SINGLE SPORT /
SINGLE SCHOOL (FOOTBALL)**

JAMIE RICHARDSON, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

**THE NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION,**
Defendant.

MDL No. 2492

Master Docket No. 1:16-cv-08727

**This Document Relates To:
Case No. 1:16-cv-09980**

Judge John Z. Lee

Magistrate Judge M. David Weisman

**JOINT MOTION FOR AN ADDITIONAL EXTENSION OF TIME
FOR SUBMISSION OF JOINT STATUS REPORT**

Plaintiff Jamie Richardson (“Plaintiff”) and Defendant National Collegiate Athletic Association (“NCAA” or “Defendant” and with Plaintiff, the “Parties”) respectfully move the Court to extend the deadline for filing a joint status report. In support of this joint motion, the Parties state as follows:

1. Plaintiffs filed this action in the above-captioned multidistrict litigation, In re: NCAA Student-Athlete Concussion Injury Litigation - Single Sport/Single School (Football), No. 1:16-cv-08727 (N.D. Ill.) (“MDL”). Richardson is one of four sample cases selected by the Court, in consultation with the Parties, “to test the viability of the Single Sport/Single School cases through class certification.” Order (MDL Dkt. 91) at 3. The non-sample cases in the MDL remain stayed. See Order (MDL Dkt. 259) at 1.

2. The operative complaint in this case indicates that the action was brought pursuant to Federal Rule of Civil Procedure Rule 23(b)(3) on behalf of a proposed class. The Parties have, in turn, been actively engaging in fact discovery “focused on class certification issues and such merits-related issues as inform the question of whether a class satisfies the requirements of Fed. R. Civ. P. 23.” See Case Management Schedule (MDL Dkt. 91) at § III(D) (pp. 5-6).

3. On September 6, 2022, the Court entered a Minute Entry directing the Parties to file a joint status report by December 15, 2022. See Order (Dkt. 132).

4. On December 5, 2022, Plaintiffs informed the NCAA that they intend to seek certification of certain issues under Federal Rule of Civil Procedure 23(c)(4) and likely will not be seeking class certification under Federal Rule of Civil Procedure 23(b)(3). Plaintiffs agreed to follow up in writing regarding the issues on which they intend to seek certification under Federal Rule of Civil Procedure 23(c)(4) and whether Plaintiffs intend to seek leave to amend their pleadings, so that the Parties could confer regarding how Plaintiffs’ decisions impact the scope of remaining discovery.

5. On December 15, 2022, the Parties requested an extension of time to prepare the joint written status report to allow time for Plaintiffs to provide the above information and for the Parties to confer on the implications of Plaintiffs’ decisions.

6. On December 16, 2022, the Court entered a Minute Entry granting the Parties’ Motion for an Extension of Time for Submission of Joint Status Report, ordering the Parties to file the joint written status report by January 9, 2022. See Order (Dkt. 138).

7. The Parties require additional time to finalize the joint written status report. This extension is necessary so that the Parties can confer on the implications of the issues on which Plaintiffs intend to move for certification under Federal Rule of Civil Procedure 23(c)(4) and

whether Plaintiffs intend to seek leave to amend their pleadings. The Parties also require additional time to complete the conferral process with respect to how the scope of remaining discovery may be impacted and whether the Parties may be able to reach an agreement to streamline any remaining discovery and/or motion practice.

8. Defendants respectfully reserve all rights with respect to Plaintiffs' position with respect to any amendment of the pleadings, but the Parties continue to discuss these and other issues.

9. Federal Rule of Civil Procedure 16, which governs scheduling orders, provides for the amendment of a scheduling order "upon a showing of good cause." Fed. R. Civ. P. 16(b). Good cause exists because the Parties' request is made in good faith and no party will be prejudiced by the granting of this motion. Furthermore, the Parties seek an extension in the interest of justice and not for the purpose of any delay.

10. The Parties respectfully request that the Court amend the filing deadline for the Parties' joint status report to January 18, 2023.

Dated: January 9, 2023

Respectfully submitted,

/s/ Johanna M. Spellman

Johanna M. Spellman, One of the Attorneys for
Defendant National Collegiate Athletic Association

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Date: January 9, 2023

/s/ Todd Logan (with consent)

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CERTIFICATE OF SERVICE

I, Johanna M. Spellman, certify that, on January 9, 2023 a true and correct copy of the foregoing JOINT MOTION FOR AN ADDITIONAL EXTENSION OF TIME FOR SUBMISSION OF JOINT STATUS REPORT was filed through the CM/ECF system, which caused notice to be sent to all counsel of record.

Date: January 9, 2023

/s/ Johanna M. Spellman

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